

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 SCOTT WILLIAM SUTHERLAND
a/k/a "Scotty Z"

Defendant.

Case No. 11-20129

HON. ROBERT H. CLELAND

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 JEFF GARVIN SMITH
a/k/a "Fat Dog"

Defendant.

Case No. 11-20066

HON. ROBERT H. CLELAND

**ORDER PERMITTING CERTAIN FIREARMS, AMMUNITION AND OTHER
WEAPONS TO BE BROUGHT INTO COURTHOUSE_
FOR USE AS TRIAL EXHIBITS**

This matter coming before the Court on the government's motion, for the reasons stated in the motion and pursuant to local Administrative Order 95-079, it is hereby ordered that beginning **September 29, 2014**, all Deputy U.S. Marshals and Court Security Officers shall permit the case agents in this case, Special Agents William R. Fleming, and David Opperman, of the Federal Bureau of Investigation, and any other special agent

acting under the case agent's supervision, to bring into the Theodore Levin U.S.

Courthouse the following firearms:

SEE ATTACHMENT A

The agents shall also be permitted to bring into the Theodore Levin U.S.

Courthouse ammunition and other weapons, including knives, martial arts-style weapons, and taser guns.

It is also ordered that the firearms (ammunition and other weapons) shall be handled in accordance with Administrative Order 95-079, which provides in relevant part:

2. Upon arriving at the courthouse, the case agent[s] bringing with them firearms to be admitted as exhibits in a scheduled trial will announce their intentions and present th[is] court order to the Court Security Officers at the security screening posts.
3. Once notified, the Court Security Officer will escort the case agent, along with the firearms[,] into the Marshals Service office where the firearms will be inspected and secured by Supervisory Deputy United States Marshals.
4. Once the firearms are determined to be safe, the Court Security Officer and the case agent will transport the firearms to the designated courtroom where the case agent will be responsible for the security of the firearms. For the duration of the trial, it will be the responsibility of the case agent to coordinate with the Marshals Service to facilitate the transport of the firearms by Marshals Service personnel to and from the appropriate courtroom. During trial, the case agent will be responsible for the security of the firearms.
5. Once the trial is completed, th[is] court order will expire and the firearms will be removed from the courthouse by the case agent.

It is also ordered that the firearms, ammunition, and other weapons, including knives, martial arts-style weapons, and taser guns, may be stored in the U.S. Marshals Service vault during overnight and other breaks in the trial.

s/Robert H. Cleland
HON. ROBERT H. CLELAND
United States District Judge

Entered: September 25, 2014

ATTACHMENT A

- 1) Government Exhibit 9-8
 - Colt Government Pocketlite, .380 caliber semiautomatic pistol
 - Serial Number GP18438
 - Item 61 - Tony Kitchens, 3/10/02
- 2) **Government Exhibit 11-79**
 - Ruger, .41 caliber revolver
 - Serial Number 4123464
 - Item 119 – Tucson Clubhouse, 4/28/03
- 3) **Government Exhibit 12-44**
 - Colt Trooper MKIII.
 - .357 Magnum 6-shot revolver
 - Serial Number 16805L
 - Item 804 – Mastromatteo, 2/19/04
- 4) **Government Exhibit 12-45**
 - Glock Model 17.
 - 9mm semi-automatic pistol
 - Serial Number DM075
 - Item 805 – Mastromatteo, 2/19/04
- 5) **Government Exhibit 12-46**
 - Glock Model 19.
 - 9mm, semi-automatic pistol
 - Serial Number SZ500;
 - Item 826 – Mastromatteo, 2/19/04
- 6) **Government Exhibit 12-47**
 - Remington Model 870.
 - 12 gauge pump-action shotgun with pistol grip
 - Serial Number S665325V
 - Item 353 – Mastromatteo, 2/19/04
- 7) **Government Exhibit 12-48**
 - Unknown make and model.
 - 12 gauge pump action shotgun with bayonet
 - serial number 167347

- Item 806 – Mastromatteo, 2/19/04
- 8) **Government Exhibit 12-49**
 - Remington Model 722.
 - .300 caliber bolt-action rifle with scope
 - Serial Number 138392
 - Item 807 – Mastromatteo, 2/19/04
- 9) **Government Exhibit 12-50**
 - Mossberg Model 500A.
 - 12 gauge pump-action shotgun
 - Serial Number K429784
 - Item 808 – Mastromatteo, 2/19/04
- 10) **Government Exhibit 12-51**
 - CBC (Brazil) – Companhia Brasileira de Cartuchos, imported by Magtech (Las Vegas) Model 586.
 - 12 gauge pump-action shotgun
 - Serial Number 74823
 - Item 809 – Mastromatteo, 2/19/04
- 11) **Government Exhibit 12-52**
 - Unknown Make, Unknown Model
 - 12 gauge shotgun
 - Unknown Serial Number
 - Item 813 - Mastromatteo, 2/19/04_
- 12) **Government Exhibit 12-53**
 - Remington Sportsman.
 - 12 gauge semi-automatic shotgun
 - Serial Number 512449
 - Item 811 – Mastromatteo, 2/19/04_
- 13) **Government Exhibit 12-54**
 - Remington Model 870 Express.
 - 12 gauge pump-action shotgun; no barrel,
 - Serial Number W886502M
 - Item 812 – Mastromatteo, 2/19/04

- 14) **Government Exhibit 12-55**
 - Winchester Model 1917.
 - .30-06 rifle
 - Serial Number 442789
 - Item 810 – Mastromatteo, 2/19/04
- 15) **Government Exhibit 17-27**
 - F.N. Browning, Fabrique Nationale D'Armes de Guerre Herstal Belgique, Bojho One Drshchavne.
 - .32 caliber semiautomatic pistol
 - Serial Number 56646
 - Item 822 – Preletz, 2/19/04
- 16) **Government Exhibit 17-30**
 - F.N. Browning, Fabrique Nationale D'Armes de Guerre Herstal Belgique, Bojho One Drshchavne.
 - .32 caliber, semiautomatic pistol
 - Serial Number 41413a
 - Item 799 – Preletz, 2/19/04
- 17) **Government Exhibit 17-33**
 - Sturm Ruger, Ruger Security Six.
 - .357 Magnum six-shot revolver
 - Serial Number 151-89512
 - Item 801 – Preletz, 2/19/04
- 18) **Government Exhibit 17-34**
 - Savage Arms Westernfield, Model SB838.
 - .22 caliber, semi-automatic rifle
 - Unknown Serial Number
 - Item 802 – Preletz, 2/19/04
- 19) **Government Exhibit 17-35**
 - Savage Arms, Stevens, model 311.
 - 16 gauge double-barrel shotgun
 - Serial Number 5100;
 - Item 803 – Preletz, 2/19/04
- 20) **Government Exhibit 18-47**

- Mossberg Model 500A.
- 12 gauge shotgun
- Serial Number J501722
- Item 814 – Detroit Clubhouse 2/19/04

21) **Government Exhibit 20-9**

- Smith & Wesson, Model 629-1.
- .44 caliber Magnum six shot revolver
- Serial Number N912460
- Item 38 – Victor Castano 6/17/04

22) **Government Exhibit 23-5**

- Unknown Make – Model 213.
- 9 mm pistol
- Serial Number N1106873
- Item (no #) – Detroit Clubhouse 3/10/05

23) **Government Exhibit 23-6**

- Mossberg Model 500A.
- 12 gauge shotgun
- Serial Number R360534
- Item (no #) – Detroit Clubhouse 3/10/05

24) **Government Exhibit 24-1**

- H & R.
- .22 caliber rifle
- Serial Number 5649
- Item 82 – Vern Rich, 3/11/05

25) **Government Exhibit 24-2**

- Remington Model 870.
- Sawed off-shotgun
- Serial Number X197084M
- Item 83 – Vern Rich, 3/11/05

26) **Government Exhibit 24-3**

- Richland Arms.
- .44 caliber revolver
- Serial Number 3453
- Item 84 – Vern Rich, 3/11/05

- 27) **Government Exhibit 25-1**
 - S.W.D., Inc. Mac-11 Cobray, Model M-11.
 - 9 mm Luger semiautomatic pistol
 - Serial Number 89-0013761
 - Item 24 – Mastromatteo, 6/28/05
- 28) **Government Exhibit 25-5**
 - Norinco Model Sporter (SKS).
 - 7.62 X 39mm caliber semiautomatic rifle
 - Serial Number 12219790
 - Item 22 – Mastromatteo, 6/28/05
- 29) **Government Exhibit 31-1**
 - KB1 Model PJK9HP
 - 9 mm semiautomatic pistol
 - Serial Number G02877 and magazine;
 - Item 520 – MCCH from Rhodes, 11/15/07
- 30) **Government Exhibit 33-1**
 - Winchester Defender.
 - 12 gauge shotgun
 - Serial Number L2079329
 - Item 605 – PHCH from Delong, 11/15/07
- 31) **Government Exhibit 33-2**
 - says AMT Backup .380 caliber pistol, D0709
 - 9 mm Kurz semiautomatic pistol,
 - Serial Number D00709
 - Item 604 – PHCH from Delong, 11/15/07
- 32) **Government Exhibit 35-10**
 - Remington Model 1100.
 - 20 gauge semiautomatic shotgun
 - Serial Number 229361X Bill's summary says 229G31X
 - with a "PROJECT CHILDSAFE" cable lock attached;
 - Item 652 – Vern Rich, 11/15/07
- 33) **Government Exhibit 37-1**

- Harrington & Richardson Topper, Model 158.
- 12 gauge shotgun
- Serial Number AJ263142
- Item 701 – Quant, 12/11/07

34) Government Exhibit 48-2

- Glock Model 27.
- .40 caliber handgun
- Serial Number LHH-396
- Item 1044 – Christopher Cook, 1/25/11

35) Government Exhibit 50-1

- Bersa Thunder 380.
- .380 caliber handgun
- Serial Number 903222
- Item 983 – Delong, 4/1/09

36) Government Exhibit 53-2

- Llama Parabellum
- 9 mm semi-automatic pistol
- Serial Number B44382
- Item 1077 – Sutherland, 2/15/11

37) Government Exhibit 53-3

- Bushmaster model XM15-E2S.
- 223-5.56 mm caliber semi-automatic rifle
- Serial Number L206664
- Item 1081 – Sutherland, 2/15/11

38) Government Exhibit 53-4

- Mossberg Model 500A.
- 12 gauge pump action shotgun
- Serial Number J462510
- Item 1080 – Ronald Roberts, 2/15/11

39) Government Exhibit 57-1

- Marlin Model 120 Magnum
- 12 gauge slide action shotgun with short barrel and stock
- Serial Number A38617

- Item 1139 – Villa, 1/18/12
- 40) **Government Exhibit 58-6**
 - Unknown Make and Model.
 - Sawed off shotgun
 - Unknown Serial Number
 - Item 1213 – Jason Cook, June 8, 2012
- 41) **Government Exhibit 59-11**
 - Astra Model Bounty Hunter.
 - 12 gauge shotgun
 - Serial Number 19-03-041-98
 - Item 1263 – Battaglia, 6/25/15
- 42) **Government Exhibit 59-12**
 - Glock Model 19.
 - 9 mm pistol
 - Serial Number XE743
 - Item 1265 – Battaglia, 6/25/12
- 43) **Government Exhibit 59-13**
 - Smith & Wesson Model 38.
 - .38 caliber revolver
 - Serial Number CHA4576 642-2
 - Item 1268 – Battaglia, 6/25/12
- 44) **Government Exhibit 59-14**
 - Stevens Model 66.
 - .22 caliber rifle
 - Unknown Serial Number
 - Item 1270 – Battaglia, 6/25/12
- 45) **Government Exhibit 59-15**
 - Mossberg.
 - 12 gauge shotgun
 - Serial Number L724664
 - Item 1331 – Battaglia, 7/13/12
- 46) **Government Exhibit 59-16**
 - Saiga.
 - 7.62 caliber rifle
 - Serial Number 9100373

- Item 1339 – Tina Battaglia, 9/26/12
- 47) **Government Exhibit 61-1**
 - Smith & Wesson Model 638-3.
 - .38 caliber handgun
 - Serial Number DBX1174
 - Item 1225 – Anniston AL Clubhouse, 7/13/12
- 48) **Government Exhibit 61-2**
 - Llama Model 1911.
 - .45 caliber handgun
 - Serial Number 08951-95
 - Item 1226 – Anniston AL Clubhouse, 7/13/12
- 49) **Government Exhibit 61-3**
 - Rohm Model RG10.
 - .22 caliber handgun
 - Serial Number 762556
 - Item 1227 – Anniston AL Clubhouse, 7/13/12
- 50) **Government Exhibit 61-4**
 - Hi-point Model 995.
 - .9 mm handgun
 - Serial Number B63752
 - Item 1228 – Anniston AL Clubhouse, 7/13/12
- 51) **Government Exhibit 61-5**
 - Ithaca Model 37 Featherweight.
 - 12 gauge shotgun
 - Serial Number 371322238
 - Item 1248 – Delong, 7/13/12